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November 10, 2016

VIA ECF

The Honorable Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Richard Marasco v. American Expediting Company, Inc. et al.*
Case No. 16-cv-232 (PKC)(JO)

Dear Judge Chen:

As the Court is aware, we represent Defendants American Expediting Company, Inc. ("AMEX") and Victor Finnegan ("Finnegan") (collectively, "Defendants") in the above-referenced matter.

Having reviewed Plaintiff Richard Marasco's Second Amended Complaint, and in accordance with Your Honor's September 7th minute order, we write to notify the Court that Defendants renew their request to move to compel Plaintiff Marasco ("Plaintiff") to individually arbitrate all of the claims he has asserted against AMEX, and all of the claims he has asserted against Finnegan in connection with Finnegan's alleged involvement with AMEX.¹ The Second Amended Complaint makes clear that Plaintiff's claims relate, at least in part, to the time period after he executed an Owner Operator Agreement containing an arbitration provision covering any claims arising out of or related to the delivery services he performed on behalf of AMEX's customers.

Defendants propose the following deadlines: (i) Defendants' moving papers to be filed no later than December 21, 2016; (ii) Plaintiff's opposition papers to be filed no later than January 20, 2017; and (iii) Defendants' reply papers to be filed no later than February 10, 2017.

¹ We intend to file, on behalf of Defendant A to Z Logistics, Inc., a pre-motion letter with Your Honor, on or before November 28, 2016, notifying you of our intent to make a motion to dismiss Plaintiff's Second Amended Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6), on behalf of A to Z Logistics. (September 7th Minute Entry).

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We thank the Court for its time and consideration.

Respectfully submitted,
LITTLER MENDELSON, P.C.

/s/ Kevin R. Vozzo

Kevin R. Vozzo

cc: Hon. James Orenstein, United States Magistrate Judge (via ECF)
All counsel of record (via ECF)